

# **EXHIBIT 38**

## **Declaration of Jacob Volkman**

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**Declaration of Jacob Volkmann**

1. My name is Jacob Volkmann. I am a chiropractor and a wrestling coach. However, because of my love for mixed martial arts, I am also a professional MMA fighter. More specifically, I fight in the UFC because it helps to pay bills. I have been fighting professionally for the past four years. I am currently under contract to fight for UFC. I have been wrestling since I was four years old. I boxed for my last three years of high school, and began professionally boxing around the same time as I began professionally fighting MMA. I have other professional options besides MMA, including professional boxing and wrestling, but I prefer MMA to the other sports.
2. I have fought for many other promotions, including Golden Gloves, VSW, Armory, and FILA. I fought outside of the country at a FILA event in Switzerland.
3. Joining UFC increased my compensation considerably. For example, I started out with one salary, but every time I win, Zuffa increases it even more.
4. The UFC gives me the opportunity to get sponsorship revenues. Other promotions don't attract as much attention as the UFC which could help me with that in the future.
5. UFC is the best MMA organization to fight in for a lot of reasons. For one, it is better run than a lot of other MMA organizations. Also, compensation is better; fighter talent is better; UFC has better insurance benefits and safety precautions; and you get better exposure than you can get from other promotions.
6. Other MMA organizations have the same opportunities as the UFC to become competitive in the market for talent and everything else. The problem with the other promotions is that they aren't run well, which doesn't have anything to do with the UFC. I've seen this from fighting in different organizations like Bellator. It all comes down to how the organizations are run and how the organizations treat their fighters. The UFC just chooses to operate better and treat its fighters better.
7. There is nothing negative about Zuffa's acquisition of Strikeforce. By acquiring Strikeforce, Zuffa has more fighters and the fights will be more competitive. Also, the fighters have better opportunities and benefits. Everybody in this situation wins.
8. Zuffa's ownership of Strikeforce probably won't affect my contract negotiating leverage in any way. Every time, I win my salary increases, and I don't think it'll ever decrease just because the UFC acquired Strikeforce. The UFC will continue to offer competitive salaries.
9. I think that a lot of existing and new MMA promotions can be successful if they become better organized and do a better job with operations and marketing. For example, CFA in Florida actually has televised fights, and sponsors. If they become better organized, they could be competitive in the MMA industry.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12 day of Sept., 2011, in the city of White Bear Lake, MN.

Jacob Volkmann D.C.  
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